

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CATHRINE BARTELS

Plaintiff,

v.

Civil Action No.
5:08-cv-1102 (GLS/DEP)

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

McMahon, Kublick & Smith, P.C.
500 South Salina Street
Syracuse, New York 13202

JENNIFER GALE SMITH, ESQ.

FOR THE DEFENDANTS:

Social Security Administration
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, New York 10278

DENNIS J. CANNING, ESQ.
KIMBERLY L. SCHIRO, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-
Recommendation by Magistrate Judge David E. Peebles, duly filed

November 2, 2010. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed November 2, 2010 (Dkt. No. 13) is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that plaintiff's motion for judgment on the pleadings is GRANTED; and it is further

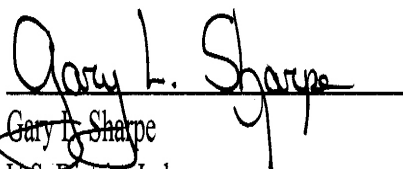
ORDERED, that the Commissioner's determination of no disability is VACATED; and it is further

ORDERED, that the matter be REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the report-recommendation; and it is further

ORDERED, that the Clerk of the court serve a copy of this order upon the parties by regular mail.

IT IS SO ORDERED.

Dated: November 17, 2010
Albany, New York



Gary L. Sharpe
U.S. District Judge